

Amendment No. 1 to HB3882

Armstrong
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3841*

House Bill No. 3882

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-602(b), is amended by deleting from the first sentence of the subsection the words and punctuation "this section" and substituting instead the words and punctuation "subsection (a)".

SECTION 2. Tennessee Code Annotated, Section 63-6-602, is amended by adding the following language as a new, appropriately designated subsection:

(c) The provisions of subsection (a) shall not apply in the limited circumstances where the referring physician is referring physical therapy services, and in writing the physician (i) discloses his or her investment interest or financial relationship to patients when making a referral of the patient for physical therapy services, (ii) notifies the patient that they may receive physical therapy services at the provider of their choice, (iii) informs patients that they have the option to use one of the alternative providers, and (iv) assures patients that they will not be treated differently by the physician if they do not choose to use the physician-owned entity.

SECTION 3. Tennessee Code Annotated, Section 63-13-312(11), is amended by inserting the following language immediately preceding the semicolon:

. Physical therapists employed by or contracting with a physician, physician group (as defined in accordance with the federal Physician Self-Referral Law at 42 USC Section 1395nn) or entity primarily owned by physicians and receiving wages or other compensation and/or benefits pursuant to such employment or contract shall not be deemed to be in violation of any provision under this chapter solely by virtue of such employment or contract, and shall not be subject to licensure denial, suspension, revocation, or any other disciplinary

action or other penalty described under this chapter solely by virtue of such employment or contract. This subdivision (11) shall not be interpreted in such a way as to create a prohibition on the corporate practice of any health care professional where no such prohibition previously existed;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.